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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/828,803	04/21/2004	Scott Carden	710101.1420	5084

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EXAMINER

FIGUEROA, FELIX O

ART UNIT PAPER NUMBER

2833

DATE MAILED: 04/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/828,803	Applicant(s) CARDEN, SCOTT	
	Examiner Felix O. Figueroa	Art Unit 2833	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) 22 and 23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 22 and 23 are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/07/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Claims 22 and 23 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Inventions, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on March 7, 2005. Accordingly the requirement is made FINAL.

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure. The form and legal phraseology often used in patent claims, such as "comprises" and "said," should be avoided.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 110 (see Fig.2), 424 (see Fig.6).

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be

notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claims 3, 7-21 are objected to because of the following informalities:

In claim 3 line 2, "the depressions" lacks antecedent basis.

In claim 7 line 1, "the sliding mechanism" lacks antecedent basis. It is assumed that it should be "the clip".

In claim 10 line 1, "the retaining device" lacks antecedent basis.

In claim 15 line 2, "an component" should be --a component--; and "a opening" should be --an opening--.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-7, 15-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Karlstrom et al. (US 5,480,329).

Karlstrom discloses a connector comprising: a housing (11) having a receiving slot (on the side); and a clip (13/47) slidably coupled to and retained by an inner wall of the housing, the inner wall defining (in part) the receiving slot.

Please note that the recitation "for connecting a subscriber line to an electrical component" has been given little patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Regarding claim 3, Karlstrom discloses the inner wall having a depression (at 39 / 51) and the clip is positioned in the depression such that the clip is retained by the inner wall.

Regarding claim 4, Karlstrom discloses the housing being a plastic housing (col.2 lines 52-53).

Regarding claims 5 and 6, Karlstrom discloses the clip made of a deformable material, i.e. metal.

Regarding claim 7, Karlstrom discloses the clip comprises a first foot and a second foot.

Regarding claim 15, Karlstrom discloses a system comprising a component having a receptacle and an opening within close proximity to the receptacle (col.4 lines 29-35); and a connector comprising a housing (11) and a clip (13/47) comprising an opening (29) for receiving a screw (15) for securing the connector to the opening of the electrical component.

Regarding claim 16, Karlstrom discloses the housing being a plastic housing (col.2 lines 52-53).

Regarding claim 17, Karlstrom discloses the clip made of a deformable material.

Regarding claim 18, Karlstrom discloses the clip comprises a first foot and a second foot for slidably coupling the clip to the housing.

Claims 1 and 3-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Lai et al. (US 5,603,639).

Lai discloses a connector comprising: a housing (20) having a receiving slot (on recessed surfaces 81-83 /66); and a clip (71) slidably coupled to and retained by an inner wall (81-83/66) of the housing, the inner wall defining (in part) the receiving slot.

Please note that the recitation "for connecting a subscriber line to an electrical component" has been given little patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Regarding claim 3, Lai discloses the inner wall having a depression (at 65) and the clip is positioned in the depression such that the clip is retained by the inner wall.

Regarding claim 4, Lai discloses the housing being a plastic housing.

Regarding claims 5 and 6, Lai discloses the clip made of a deformable material, i.e. metal.

Regarding claim 7, Lai discloses the clip comprises a first foot (91) and a second foot (93).

Regarding claim 8, Lai discloses each foot comprising a tab (76).

Regarding claim 9, Lai discloses the slot having a first and second protruding inner wall (84).

Regarding claim 10, Lai discloses the retaining device having first and second retaining depressions (inside 66, not labeled) in each of the protruding walls.

Regarding claim 11, Lai discloses the retaining depressions being positioned to receive the tabs when the clip is slidably coupled to the housing.

Regarding claims 12 and 13, Lai discloses the clip comprising a securing device for securing the connector to the electrical component. Regarding the recitation "for securing the electrical component / transceiver", please note that it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from the prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987).

Regarding claim 14, Lai discloses the securing device being a screw (to engage with 61).

Claims 15-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Tso-Chin et al. (US 6,210,216).

Tso-Chin discloses a system comprising a component (28) having a receptacle (62) and an opening (60) within close proximity to the receptacle (col.4 lines 29-35); and a connector (10) comprising a housing (14) and a clip (44) comprising an opening (52) for receiving a screw (26) for securing the connector to the opening of the electrical component.

Regarding claim 16, Tso-Chin discloses the housing being a plastic housing.

Regarding claim 17, Tso-Chin discloses the clip made of a deformable material.

Regarding claim 18, Tso-Chin discloses the clip comprises a first foot and a second foot (on each side of 48, extending perpendicular to 48) for slidably coupling the clip to the housing.

Regarding claim 19, Tso-Chin discloses each foot having a tab (at 54,56).

Regarding claim 20, Tso-Chin discloses the housing comprising a slot having a first and second protruding inner wall (see Fig.3, on each side of 26) and at least one retaining depression (where 54 and/or 56 are located).

Regarding claim 21, Tso-Chin discloses the retaining depressions being positioned to receive the tabs when the clip is slidably coupled to the housing.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Karlstrom in view of Applicant's Admitted Prior Art (APA), Figures 2-4.

Karlstrom discloses substantially the claimed invention except for the connector being connected to a chassis holding a transceiver. Applicant's APA shows a chassis holding a transceiver. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the connector arrangement of Karlstrom connecting with a transceiver mounted on a chassis, in order to ensure a secured mechanical and electrical connection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Felix O. Figueroa whose telephone number is (571) 272-2003. The examiner can normally be reached on Mon.-Fri., 10:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley can be reached on (571) 272-2800 Ext. 33. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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